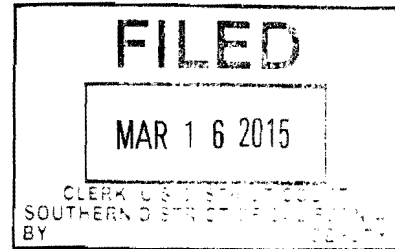


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NEWPORT TRIAL GROUP  
A Professional Corporation  
Scott J. Ferrell, Bar No. 202091  
sferrell@trialnewport.com  
David W. Reid, Bar No. 267382  
dreid@trialnewport.com  
Richard H. Hikida, Bar No. 196149  
rhikida@trialnewport.com  
4100 Newport Place, Ste. 800  
Newport Beach, CA 92660  
Tel: (949) 706-6464  
Fax: (949) 706-6469

Attorneys for Plaintiff  
OBESITY RESEARCH INSTITUTE, LLC



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

OBESITY RESEARCH INSTITUTE,  
LLC, a California limited liability  
company,

Plaintiff,

v.

FIBER RESEARCH INTERNATIONAL,  
LLC, a Nevada limited liability company,  
and DOES 1-10, inclusive,

Defendants.

Case No. 15CV0595 BAS MDD

PLAINTIFF OBESITY RESEARCH  
INSTITUTE, LLC's MOTION TO SEAL  
COMPLAINT

FAXED

Pursuant to Local Rule 79.2, Plaintiff Obesity Research Institute ("ORI") hereby request, pursuant to Civil Local Rule 79.2, that the Court file under seal Obesity Research Institute's Complaint.

Accordingly, ORI hereby respectfully requests permission to file the above-referenced documents under seal in order to protect the interests of those involved.

#### **I. GOOD CAUSE EXISTS TO FILE THE DOCUMENTS UNDER SEAL**

"Protective orders and filings under seal are the primary means by which the courts ensure full disclosure of relevant information, while still preserving the parties' (and third parties') legitimate expectation that confidential business information, proprietary technology and trade secrets will not be publicly disseminated." *In re Adobe Sys., Inc. Sec. Litig.*, 141 F.R.D. 155, 161-62 (N.D. Cal. 1992) (citing cases); *see also, Richardson v. Mylan, Inc.*, No. 09-cv-1041-JM, 2011 U.S. Dist. LEXIS 23969, \*8 (S.D. Cal. Mar. 9, 2011) (granting motion to seal confidential information, noting that "trade secrets [are] an archetypal category of information for which sealing of a court's records is justified."); *In re Hydroxycut Mktg. and Sales Practices Litig.*, No. 09-md-2087 BTM, 2011 U.S. Dist. LEXIS 25977, \*28 (S.D. Cal. Mar. 11, 2011) (granting motion to seal records containing trade secret information). Thus, courts routinely permit the sealing of sensitive commercial or business information. *See, e.g., Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978) (recognizing the court's power to seal "sources of business information that might harm a litigant's competitive standing"); *Watts v. Metro Life Ins. Co.*, No. 09-cv-829-WQH, 2010 U.S. Dist. LEXIS 107201, \*9-10 (S.D. Cal. Oct. 7, 2010) (sealing information which could be used by business competitors to determine Defendants' internal decision-making processes and business approaches, and affect Defendants' competitiveness in the marketplace).

Good cause exists for filing ORI's complaint under seal because the document contains sensitive, confidential business information because: (1) the demand letter that Defendant sent to ORI, which prompted the current lawsuit purports to be "confidential" and ORI is attempting to respect that; (2) there are or may be trade secrets disclosed in Defendant's demand letter and ORI's counterarguments regarding the alleged adulterated or non-adulterated nature of the product at issue. For those reasons, the Complaint should be sealed.

1 Accordingly, ORI represents that it reasonably and in good faith believes that the complaint  
2 should be protected from public disclosure and good cause exists to file the document under seal.

3 **II. DEFENDANT WILL SUFFER NO PREJUDICE**

4 There is no prejudice to Defendant, as Defendant will receive the entire complaint at the time  
5 of service.

6 **III. CONCLUSION**

7 For the foregoing reasons, ORI respectfully requests that the Court issue an Order granting this  
8 Motion, and seal the above-referenced documents, on the grounds that they contain highly confidential  
9 commercial and other information

10 Dated: March 16, 2015

NEWPORT TRIAL GROUP, APC

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13 By: s/ Scott J. Ferrell  
14 Attorneys for Plaintiff  
15 E-mail: sferrell@trialnewport.com  
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